

Message Text

UNCLASSIFIED

PAGE 01 STATE 243717

62

ORIGIN IO-10

INFO OCT-01 CIAE-00 CU-04 INR-07 NSAE-00 RSC-01 USIE-00

EUR-12 ISO-00 SSO-00 L-02 AF-10 ARA-10 EA-10 NEA-10

SS-15 OMB-01 TRSE-00 OIC-02 INRE-00 NSCE-00 NSC-05

/100 R

DRAFTED BY IO/UN/BAPS:PJUNK;IO/UNESCO:WPO'BRIEN:JU

APPROVED BY IO:JMCDONALD

L - MMATHESON(IN DRAFT)

EUR - JHROUSE,JR.(IN DRAFT)

----- 126251

O 052318Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

UNCLAS STATE 243717

NESCO

E.O. 11652: N/A

TAGS: AORG, UNESCO

SUBJECT: 18TH GC:SOVIET ARREARAGES (ITEM 43.3)

REF: 18 C/52, PARA. 5.3

1. US DEL SHOULD ADAMANTLY OPPOSE ANY ACTION WHICH WOULD
RESULT IN ANY CANCELLATION OF SOVIET ARREARAGES.

2. US DEL SHOULD URGE ALL OTHERS TO JOIN US IN THIS STAND.
OUR POSITION IS THAT ALL MEMBER COUNTRIES WHO HAVE PAID
THEIR ASSESSMENTS HAVE BEEN DOUBLY DISADVANTAGED IN
COMPARISON WITH THE SOVIET UNION BECAUSE:

A) WHILE THE SOVIETS DID NOT PAY THE PORTION OF

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 243717

THEIR ASSESSMENT CAUSED BY THE REDUCTION IN THE CHINESE

ASSESSMENT, AND WERE FORGIVEN THEIR UNDERPAYMENT, THE OTHER COUNTRIES HAVE PAID THEIR FULL ASSESSMENTS FROM 1960, INCLUDING THE INCREMENT CAUSED BY THE REDUCTION IN THE CHINESE ASSESSMENT.

B) THE COUNTRIES WHICH HAVE PAID THEIR FULL ASSESSMENTS ARE BEING DEPRIVED OF THE BENEFIT OF UNESCO SURPLUSES, WHICH NORMALLY ARE APPORTIONED AMONG PAID-UP MEMBER STATES, BUT WHICH NOW ARE BEING USED TO REDUCE THE SOVIET ARREAR-

GES.

3. THE DELEGATION SHOULD DO WHATEVER IS PROCEDURALLY NECESSARY TO HAVE ANY DRAFT RESOLUTION CONTINUING THE SPECIAL ACCOUNT TREATED AS A MATTER REQUIRING A TWO-THIRDS VOTE. IF POSSIBLE, THIS SHOULD BE ESTABLISHED IN ADVANCE.

4. OUR POSITION IS THAT THE PRESIDENT OF THE GENERAL CONFERENCE DID NOT ACT PROPERLY IN PERMITTING THE ADOPTION OF PART II OF UNESCO RESOLUTION 15.32 AT THE 1972 GENERAL CONFERENCE BY A SIMPLE MAJORITY. RULE 81.2 (G) OF THE RULES OF PROCEDURE OF THE GENERAL CONFERENCE REQUIRES A TWO-THIRDS MAJORITY OF MEMBERS PRESENT AND VOTING FOR ANY "SUSPENSION OF AN ARTICLE IN THE FINANCIAL REGULATIONS, IN ACCORDANCE WITH ARTICLE 14.3 OF THE SAID REGULATIONS." ARTICLE 14.3 OF THE FINANCIAL REGULATIONS IN TURN PROVIDES THAT "NO ARTICLE OR ARTICLES OF THE PRESENT REGULATIONS MAY BE SUSPENDED EXCEPT BY DECISION OF THE GENERAL CONFERENCE, TAKEN BY A TWO-THIRDS MAJORITY OF THE MEMBERS PRESENT AND VOTING. THE DURATION OF SUCH SUSPENSION SHALL BE SPECIFIED BY THE GENERAL CONFERENCE." THE PRESIDENT OF THE GC RULED THAT PART III REQUIRED A TWO-THIRDS MAJORITY SINCE IT "SUSPENDED" A FINANCIAL REGULATION, BUT THAT PART II ONLY REQUIRED A SIMPLE MAJORITY SINCE IT MERELY "DID NOT APPLY" A FINANCIAL REGULATION. AS MANY DELEGATES THEN POINTED OUT, THIS SEMANTIC DISTINCTION DOES NOT MAKE SENSE, SINCE ANY SUSPENSION COULD BE CHARACTERIZED AS A "FAILURE TO APPLY" A REGULATION WITH RESPECT TO ASSESSMENTS FOR A GIVEN PERIOD OF TIME. THE WHOLE PURPOSE OF ARTICLE 14.3 WAS

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 243717

OBTAINING TO PRECLUDE DEVIATIONS FROM THE REGULATIONS UNLESS TWO-THIRDS OF THE GC APPROVED, OR UNLESS THE REGULATIONS WERE FORMALLY AMENDED.

5. US DEL SHOULD KEEP THE DEPT TELEGRAPHICALLY INFORMED OF EVENTS ON THIS ISSUE AS THEY HAPPEN.

6. WE WISH TO KEEP OUR OPTIONS OPEN FOR SEVERAL POSSIBLE

LEGAL COURSESO F ACTION AT A LATER DATE. FOR THIS REASON,
THE FOLLOWING PROCEDURAL GUIDELINES ARE PROVIDED. IF
A RESOLUTION IS PROPOSED WHICH IN EFFECT CONTINUES
17 C/RES. 15.32, DELEGATION SHOULD FOLLOW (A) OR (B),
WHICHEVER IS APPLICABLE:

(A) IF THE PRESIDENT STATES A SIMPLE MAJORITY WILL
SUFFICE, OR SAYS NOTHING ON THE VOTING REQUIREMENT, AND
A SIMPLE MAJORITY VOTE FOR IT, THE DELEGATION SHOULD

OBJECT TO THE METHOD OF PROCEDURE BY RAISING A POINT OF
ORDER UNDER RULE 73. IF THE PRESIDENT RULES AGAINST IT,
THE DELEGATION SHOULD APPEAL, WHICH APPEAL IS SUBJECT
TO DECISION BY A MAJORITY VOTE OF THE GENERAL CONFERENCE.

(B) IF THE PRESIDENT DOES NOT INDICATE THAT A SIMPLE
MAJORITY IS REQUIRED, AND THE RESOLUTION PASSES BY A
TWO-THIRDS VOTE, THE DELEGATION SHOULD EXPLAIN ITS "NO"
VOTE (BASED ON PARA 2 (A) AND (B) ABOVE), DEPLORE THE FACT
THAT IT WAS PASSED, BUT EXPRESS SATISFACTION THAT IT WAS
PASSED IN ACCORDANCE WITH THE RULES OF PROCEDURE.

7. FYI: DEPT'S POSITION IS THAT THE SSR'S STILL OWE
\$1,682,619 IN ARREARAGES, WHICH INCLUDES THE AMOUNT
CREDITED AGAINST THOSE ARREARAGES, AS A RESULT OF 17 C/RES.
15.32. END FYI. INGERSOLL

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE243717
Document Source: CORE
Document Unique ID: 00
Drafter: PJUNK;IO/UNESCO:WPO'BRIEN:JU
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740317-0969
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741168/aaaacgdx.tel
Line Count: 141
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 18 C/52, PARA. 5.3
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 14 NOV 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 NOV 2002 by smithrj>; APPROVED <20-Nov-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: 18TH GC:SOVIET ARREARAGES (ITEM 43.3)
TAGS: AORG, UNESCO
To: PARIS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005